25. The computer data signal for causing the remote computer to perform the step of claim 24, wherein the step of storing includes the substep of generating said first value using information relating to a first time when the multinode system was in said first configuration, and

further including the step of generating said second value using information relating to a second time when the multinode system was in said second configuration.

26. The computer data signal for causing the remote computer to perform the step of claim 25, further including the step of:

determining whether said first and second times are identical.--

REMARKS

To place the parent application, Serial No. 09/023,074, in condition for allowance, Applicant canceled claims 1, 14-17, and 19-26. Applicant filed the present continuation application on November 20, 2000, with a Preliminary Amendment addressing the Examiner's rejections of claims 1, 14-17, and 19-26. By this Preliminary Amendment, Applicant seeks to amend claim 1 and add claims 14-26 to the present continuation application.

In the Final Office Action in the parent application, Serial No. 09/023,074, the Examiner rejected claims 1, 14-17, and 19-26 under 35 U.S.C. § 103(a) as obvious over

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Frey et al., U.S. Patent No. 5,416,921, in view of Kuriyama, U.S. Patent No. 5,202,923. Applicant requests that the Examiner consider the following remarks concerning that rejection.

The claimed determining and executing steps are not taught in the references.

Regarding the rejections in the parent application of independent claims 1, 14, and 24 as obvious over Frey et al. in view of Kuriyama, the references do not show each claimed feature. Independent claims 1, 14, and 24 clearly recite that, for each access request received, it is determined whether the first and second values are identical and access to the shared peripheral device is executed or not executed based on the determination. The determination, using the first and second values, is made every time an access request is received from a node.

In contrast, as the Examiner noted, Frey et al. does not teach first and second values. Although Kuriyama discloses a first check and a second check, these are performed selectively, not every time a program registration method is invoked. In Kuriyama, if the first check determines that the program is not registered, registration can occur and the second check (i.e., validation of the data) is not performed. This is distinct from first and second unique values of claims 1, 14, and 24, which are used each time a node attempts to access a peripheral device. The first and second unique values are always used together to determine access to the peripheral device.

Because the references do not teach or suggest every element of claims 1, 14, and 24 Applicant respectfully requests allowance of claims 1, 14, and 24.

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The first and second check characters of Kuriyama are patentably distinct from the claimed first and second unique values.

Further regarding the rejections in the parent application of independent claims 1, 14, and 24 as obvious over Frey et al. in view of Kuriyama, the references do not show each claimed feature. Noting that Frey et al. does not disclose first and second unique values, the Examiner stated that Kuriyama teaches "first and second check character stored in memory used to determining the validity of the program via a comparison capability," making a modification to Frey et al. obvious. However, the first and second check characters in Kuriyama are patentably distinct from the first and second unique values in the claimed invention, and it would not have been obvious or desirable to one of ordinary skill in the art to modify or combine Frey et al. and Kuriyama as suggested.

First of all, the first and second check characters in Kuriyama are used to test two different things. The first check is for whether a program has been registered in memory. The second check is for whether the program data is valid. The program can only be registered in memory if the program is not already registered or if the data is invalid. This is distinguishable from the claimed first and second unique values. The first value is stored by a peripheral device. The second value is passed to the peripheral device from a node. If the first value and the second value are identical, the node can access the peripheral device. Therefore, the first and second unique values in claim 1 are used together to test the same thing (access to a peripheral device) rather than separately to test two different things (program registration and data validity) as taught by Kuriyama.

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Secondly, the second check in Kuriyama is only tested after the first check determines that the program is registered. If the first check determines that the program is not registered, registration can occur and there is no need for the second check. This is different than the claimed first and second unique values. In the present invention, both values are used each time a node attempts to access a peripheral device. The second unique value is always used, together with the first unique value, to determine access.

Third, in Kuriyama, the second check character is calculated by the checking means as a function of the first check character. This is distinct from claims 1, 14, and 24, where the first value is stored at the peripheral device and the second value is passed to the device from a node. The first value is not used to determine the second value, and the peripheral device does not generate the second value.

The only similarity between the claimed first and second unique values and the first and second check characters taught in Kuriyama is that there are two values. This does not make it obvious to modify Frey et al. as suggested. Therefore, Applicant respectfully submits that claims 1, 14, and 24 are patentable over the prior art.

Claims 15 and 16 are patentably distinct from the cited prior art for at least the reason of their dependence from claim 14 as well as their additional recitations. Claims 25 and 26 are patentably distinct from the cited prior art for at least the reason of their dependence from claim 24 as well as their additional recitations. Therefore, Applicant respectfully requests the allowance of claims 15-16 and 25-26.

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The claimed resource manager is neither disclosed nor suggested by the references.

Regarding the rejection in the parent application of claim 17 as obvious over Frey et al., in view of Kuriyama, the references do not show each feature of the claim. Neither reference teaches or suggests a resource manager module configured to determine when the shared peripheral device is in a failed state. Once it determines that the shared peripheral device is in a failed state, the claimed resource manager communicates the failure to the membership monitor to generate a new membership list.

As the Examiner noted, Frey et al. teaches a resource manager that, unlike in claim 17, receives a fence request against a failed member of the system. (col. 8, lines 40-46). The fence request in Frey et al. is issued by an operating system when that operating system detects a failure in one of its own subsystems. (col. 8, lines 35-40). The resource manager in Frey et al. does not detect the failure, nor does it notify a membership monitor to generate a new membership list. Therefore, the references do not teach or suggest the elements of claim 17. Applicant respectfully requests allowance of claim 17.

Claims 19-23 are patentably distinct from the cited prior art for at least the reason of their dependence from claim 17 as well as their additional recitations.

The claimed configuration value module is neither disclosed nor suggested by the references.

Further regarding the rejection in the parent application of claim 17 as obvious over Frey et al., in view of Kuriyama, the references do not show each feature of the

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claim. Frey et al. does not disclose a configuration value module configured to generate a unique value based upon a new membership list and to store the unique value locally at each node on the system. The Examiner stated that Kuriyama teaches "an electronic device or computer device having capability to prevent program being illegally written after registration" and "first and second check character stored in memory used to determining the validity of the program via a comparison capability," making a modification to Frey et al. obvious.

However, the configuration value module is not taught or suggested by the references. The first check character in Kuriyama is used to determine whether a program is already registered in memory, and the second check character tests whether the program data is valid. This is patentably distinct from the configuration value module of claim 17. The claimed module generates a unique value based upon the nodes that can access a shared resource and stores the unique value locally at each of the nodes. The claimed element is different in both form and function from the check characters taught by Kuriyama. Therefore, it was not obvious to modify Frey et al. as suggested. Applicant respectfully requests allowance of claim 17.

Claims 18-23 are patentably distinct from the cited prior art for at least the reason of their dependence from claim 17 as well as their additional recitations.

In view of the foregoing amendments and remarks, Applicant respectfully requests the allowance of the pending claims. Applicant further requests that the Examiner grant an interview to facilitate the examination of the present application.

Please grant any extensions of time required to enter this amendment and charge

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any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: February 18, 2001

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